

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL T. TODD,)	CASE NO.: 1:11 CV 1099
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	<u>ORDER ADOPTING</u>
)	<u>REPORT AND RECOMMENDATION</u>
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Nancy Vecchiarelli. The Report and Recommendation (ECF #21) is hereby ADOPTED. The Plaintiff challenged the Commissioner of Social Security's final decision denying his application for a Period of Disability ("POD"), Disability Insurance Benefits ("DIB"), and Supplemental Security Income ("SSI") under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 416(i), 423, 1381 *et seq.* Magistrate Judge Vecchiarelli found that the ALJ's decision was supported by substantial evidence and that the ALJ applied the appropriate legal standards. Mr. Todd timely filed his objections to the Magistrate's Report and Recommendation, and the Defendant, the Commissioner of the Social Security Administration, filed a Response to the Plaintiff's Objections. (ECF #24, 25).

This Court has reviewed *de novo* those portions of the Magistrate Judge's Report and Recommendation to which objections have been made. *See* Fed. R. Civ. P. 72(b). This Court finds Magistrate Judge Vecchiarelli's Report and Recommendation to be thorough, well-supported, and correct. The Court finds that Plaintiff's objections raise no arguments (factual or legal) that have not been fully addressed by the Magistrate's Report and Recommendation.

Specifically, Magistrate Judge Vecchiarelli did not err in finding that the administrative law judge's ("ALJ") step three evaluation was legally sufficient because the Plaintiff has not made an adequate showing that a fuller explanation of the ALJ's step three evaluation would lead to a different result on remand, and therefore, such a remand would be an "idle and useless formality." *See NLRB v. Wyman-Gordon Co.*, 394 U.S. 759, 766 n.6 (1969). Magistrate Judge Vecchiarelli also did not err in finding that the ALJ's findings are supported by the vocational expert's ("VE") testimony because the Plaintiff had not previously presented the ALJ with any evidence that the Plaintiff suffered any speed- or pace-based restrictions related to his particular moderate limitations, and therefore the inclusion of such limitations was not required in the ALJ's hypothetical presented to the VE. *See Jackson v. Comm'r of Soc. Sec.*, No. 1:10-cv-763, 2011 WL 4943966, at *8 (N.D. Ohio Oct. 18, 2011).

The Magistrate's Report and Recommendation fully and correctly addresses all of the Plaintiff's claims and the Plaintiff's objections are unwarranted. This Court, therefore, adopts the Magistrate's Report in its entirety. Further, this Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). For these reasons, Plaintiff's Objections, ECF #24, are hereby DENIED, and the Commissioner of Social Security's final decision is AFFIRMED. IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: July 2, 2012